



Hon. Sylvia O. Hinds-Radix  
Corporation Counsel

THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, NY 10007

Jacquelyn Dainow  
(212) 356-0896  
jdainow@law.nyc.gov

Jay Cullen  
(212) 356-2079  
jecullen@law.nyc.gov

May 5, 2023

**BY ECF**

Honorable Paul A. Crotty  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

5/8/23  
The proposed extension is granted but  
we will be further extending  
Harkness  
Paul Crotty

Re: *K.S., et al. v. City of New York, et al.* Docket No. 21-CV-4649 (PAC)

Dear Judge Crotty:

We are Assistants Corporation Counsel in the Office of the Corporation Counsel, attorneys for Defendants City of New York, the New York City Administration for Children's Services (ACS), ACS Commissioner David Hansell, the New York City Department of Education (DOE), the New York City Board of Education (BOE), and DOE Chancellor Meisha Porter (together, "City Defendants") in the above-captioned action. Plaintiffs bring this action pursuant to, *inter alia*, 42 U.S.C. § 1983, the Individuals with Disabilities Education Act, and Section 504 of the Rehabilitation Act. In brief, Plaintiffs' claims relate to the conduct of City Defendants in the process leading up to and after Plaintiff K.S.'s adoption of Plaintiff D.S., including claims that City Defendants induced D.S.'s adoption through misrepresentation and that they failed to develop an adequate educational plan for D.S.

City Defendants request a 45-day extension of time, from May 8, 2023 to June 22, 2023, to file their partial motion to dismiss. Due to various other conflicting filing deadlines and other time-sensitive work across several other cases, we have been, and will continue to be, delayed in preparing our motion. Additionally, and significantly, a recent and unexpected medical procedure for one of the undersigned's family members required temporary leave from the office. Accordingly, this requested extension will allow for sufficient time to continue researching the various complex issues in this case and to complete the motion.

This is the City Defendants first request for an extension to file the motion to dismiss. Defendants requested Plaintiffs' counsel consent yesterday evening, but as of this writing

have not received a response from Plaintiffs' counsel. As this extension will affect the deadline for Plaintiffs to file opposition, City Defendants propose the following amended briefing schedule:

- By June 22, 2023, City Defendants will file a motion to dismiss all claims against named Defendants Frankel and Edwards and some claims as against the remaining City Defendants.
- Plaintiff will file their opposition on July 24, 2023.
- Defendants will file their reply by August 14, 2023.

Thank you for your consideration of this request.

Respectfully submitted,

s/  
Jacquelyn Dainow  
Jay Cullen  
Assistants Corporation Counsel

cc. All counsel of record  
By ECF